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PART I

IMPORTANT GOVERNMENT ORDERS

CHIEF SECRETARIAT

Issues further clarification *re.* the grant of Increment withheld under M. C. S. Rules.

READ—

(1) G. O. No. GAD 82 SSR 67, dated 28th March 1968.

(2) Letter No. Est 2-PR 69 C 1357/68-69, dated 1st July 1968 from the Divisional Commissioner, Bangalore.

(3) Letter No. GAD I/ AIV/2311-62, dated 3rd February 1969 from the Accountant General, Mysore, Bangalore.

PREAMBLE—

The annual increments of the officials which accrued prior to 1956 but which were withheld for failure to pass a Departmental Test/Examination under the old Rules of Mysore Service Regulations, were ordered to be released in Government Order dated 28th March 1968 cited above, from the dates they were due in accordance with the decision of the High Court in W. P. No. 124/64, in which the Court had held that the right to earn an increment to no extent was dependent on success in any test and it could not be withheld for failure to pass a Departmental test or examination under the provisions of the Mysore Service Regulations.

The Divisional Commissioner, Bangalore has stated that certain officials were not allowed the increments on the ground that they were not holding posts on Substantive *Pro Tempore*, Provisionally Permanent or permanent basis; he has clarified also that for purposes of changing the tenure of an official from officiating to Substantive *Pro Tempore*, etc., the passing of Departmental tes or Examination was usually being insisted upon. He has accordingly requested clarification whether such of the officials as were not holding posts on Substantive *Pro Tempore*, Provisionally Permanent or permanent basis, could be allowed increments in pursuance of the Order dated 28th March 1968.

The Accountant General has suggested that in all cases involving disbursement of arrears on account of increments withheld prior to 1st April 1955, coming under the purview of the Government Order dated 28th March 1968 cited above, orders may be issued under Art. 20 (e) of Mysore Financial Code.

Government considered the issue raised by the Divisional Commissioner with reference to the provisions of the Mysore Service Regulations and the decision of High Court. Accruing to the judgment of the High Court, increments accruing to the officials for the period from 15th June 1956 to 1st April 1962 but withheld for not passing the departmental examinations have been allowed. Taking the spirit of the above decision, Government consider that it would be inequitable to withhold the increments in the case of persons who did not hold the post on Substantive *Pro Tempore*, Provisionally Permanent or permanent basis prior to 1st April 1962 on the ground that they did not qualify themselves by passing the prescribed departmental tests.

ORDER No. GAD 40 SSR 68, BANGALORE, DATED THE 9TH APRIL 1969.

Government after detailed consideration of the matter, direct in amplification of orders issued in Government Order dated 28th March 1968 cited at 1 of the preamble, that the increments of the Government servants of old Mysore Area which were withheld for the period prior to 1st April 1962 for the reasons that they were not made Substantive *Pro Tempore*, Provisionally Permanent or Permanent merely because of not passing the Departmental Tests/Examinations may also be released from the dates they were due, in relaxation of Art. 76 of Mysore Services Regulations (5th Edition).

In all cases, involving disbursement of arrears on account of increments withheld prior to 1st April 1955 in pursuance of the G. O. No. GAD 84 SSR 67, dated 28th March 1968 and under this order, delay is condoned under Art. 20 (3) of the Mysore Financial Code, subject to recording of prescribed certificates on the bills. The concerned drawing officer should also ensure that the claims preferred in the supplementary bills are correct in all respects as per Articles 132 and 133 of Mysore Financial Code.

This order issues with the concurrence of the Finance Department *vide* U. O. Note No. FD 695/Ser. II/69, dated 14th March 1969.

By Order and in the name of the Governor of Mysore,

W. A. SMITH,

Under Secretary to Government,
General Administration Department,
(Service Rules).